

YAVAPAI COUNTY ATTORNEY'S OFFICE  
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SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2009 APR 16 AM 10:34

JEANNE HICKS, CLERK

BY: Ainley

IN THE SUPERIOR COURT OF STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN C. DeMOCKER,

Defendant.

CR 2008-1339

Division 6

STATE'S RESPONSE TO DEFENDANT'S  
MOTION FOR NEW FINDING OF  
PROBABLE CAUSE

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned respectfully submits its Response to Defendant's Motion for New Finding of Probable Cause and requests Defendant's Motion be denied for the reasons given in the attached Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

LEGAL ARGUMENT:

Recognizing that the function of the Grand Jury is the determination of probable cause, not guilt or innocence, and acknowledging that evidentiary challenges are best resolved in the adversarial arena of a trial, procedural rules and law have been developed which sharply limit the Defendant's ability to challenge the nature of the evidence presented to the Grand Jury. *See, United States v. Calandra*, 414 U.S. 338, 349 (1974).

A challenge may not be made based on the nature, weight or sufficiency of the

1 evidence considered by the Grand Jury; such a challenge is beyond the scope of judicial  
2 inquiry. *Crimmins v. Superior Court, In and For Maricopa County*, 137 Ariz. 39, 42-43, 668  
3 P.2d 882, 885-86 (1983); *State v. Guerrero*, 119 Ariz. 273, 276, 580 P.2d 734, 737 (App.  
4 Div. 2 1978).

5 In the case at bar, Defendant repeatedly references the Grand Jury transcript out of  
6 context to support his argument. The State requests that the court read the transcript in its  
7 entirety; doing so will demonstrate that Defendant's arguments are without merit.  
8

9  
10 **I. THE STATE FAIRLY AND ACCURATELY PRESENTED THE CASE TO**  
11 **THE GRAND JURY AND FOLLOWED THE COURT'S INSTRUCTIONS**  
12 **REGARDING ANY MISSTATEMENTS FROM THE PREVIOUS GRAND**  
13 **JURY**

14 Defendant's motion fails to substantiate any alleged procedural right denied by the  
15 Grand Jury proceedings. Defense counsels belief that insufficient evidence exists for the  
16 Grand Jury's finding of probable cause is not supported by the Grand Jury transcript. An  
17 examination of the Grand Jury transcript clearly shows that the State made a fair and  
18 impartial presentation of the evidence. In making a determination of probable cause, there is  
19 no "mechanical test" to decide if due process has been satisfied. What is necessary for a fair  
20 and impartial presentation will vary from case to case. Due process is violated when perjured  
21 or false testimony is material to the indictment, thus precluding a Grand Jury from being able  
22 to find the existence of probable cause. *Trebus v. Davis*, supra; *Nelson v. Royston*, 137 Ariz.  
23 272, 669 P.2d 1349 (1983); *State v. Jacobson*, 22 Ariz. App. 128, 524 P.2d 962 (App. 1974);  
24 *United States v. Basurto*, 497 F.2d 781 (9th Cir. 1974). When courts have remanded cases to  
25 the Grand Jury, they have done so upon findings that the prosecution knowingly used false or  
26 misleading testimony, and that the testimony was material to the Grand Jury's finding of

1 probable cause. In this case, the testimony of the witnesses was neither misleading nor false.  
2 Much of Defendant's motion criticizes the State's presentation of the results of the DNA tests  
3 and implies Detective Brown's use of the term "inconclusive" was somehow designed to  
4 conceal what Defendant claims was "clearly exculpatory evidence." In the order remanding  
5 the case to the Grand Jury, this Court instructed that the better practice would be for the  
6 witness to employ the same language of the prospective expert witness. The State even went  
7 so far as to define inconclusive by the crime lab. (GJ 53; 21-24) To ask the State to say that  
8 the Defendant is not a suspect based on the DNA would be a gross mischaracterization of the  
9 facts. The State went to great lengths to accurately present the facts of the labs findings. The  
10 State established the testing process of the DNA (GJ 54; 8-25, 55; 1-9). The State established  
11 that the results were inconclusive on the phone (GJ 56;24, 57; 10-11, 19-22), the light bulbs  
12 (GJ 61; 13-17) and the door handle (GJ 63; 2-7). The Defendant was specifically excluded as  
13 a contributor to the DNA found on the door handle (GJ 63; 11-14). The State established that  
14 none of the male DNA submitted to the lab matched the DNA found under the victim's  
15 fingernails (GJ 63; 11-21).

18 As noted previously in the order remanding the case to the Grand Jury, this court  
19 instructed that the better practice would be for the witness to employ the same language as  
20 the prospective expert witness. In presenting the evidence relating to the DNA analyses, it is  
21 clear that the State followed the Court's advice. The transcript clearly shows Detective  
22 Brown literally read from the DPS Scientific examination reports (GJ 52:21-22) while  
23 testifying as to the results of the DNA tests. A comparison of his testimony to the reports is  
24 attached as Exhibits A – E (GJ; 55:13-24 phone, exhibit A; 57:9-22 exhibit B, C; 56:8-15  
25 exhibit A; 58:15-20 exhibit C). Accordingly his testimony was an accurate representation of  
26

1 these results in the exact language used in the reports. When Detective Brown used the term  
2 "inconclusive," he was, in fact, quoting from the lab reports. The samples were insufficient  
3 and therefore inconclusive. This is a fact and not speculation or interpretation. It is not  
4 misleading as the Defendant would lead us to believe.

5  
6 If the Grand Jury was confused as Defendant claims, they could have requested  
7 additional information or another witness to clarify any questions about the evidence  
8 presented. The Defendant's assertion that the testimony was confusing or too convoluted for  
9 the Grand Jury to follow is absurd. The Grand Jury can ask questions of a witness to expand  
10 on an answer, to clarify an answer or to request additional evidence. A.R.S. § 21-412 states:

11 The grand jurors are under no duty to hear evidence at the request  
12 of the person under investigation, but may do so. The person  
13 under investigation shall have the right to advice of counsel  
14 during the giving of any testimony by him before the Grand Jury,  
15 provided that such counsel may not communicate with anyone  
16 other than his client. If such counsel communicates with anyone  
17 other than his client he may be summarily expelled by the court  
18 from the Grand Jury chambers. The grand jurors shall weigh all  
19 the evidence received by them and when they have reasonable  
20 ground to believe that other evidence, which is available, will  
21 explain away the contemplated charge, they may require the  
22 evidence to be produced.

23 The Grand Jury transcript shows that the Grand Jury had no problems following the  
24 testimony of the detective presenting the DNA evidence. In fact the Grand Jury only had two  
25 questions about the DNA. One question was about the chain of custody between the law  
26 enforcement agency and the labs that analyzed the DNA evidence. (GJ 77;19-25). The  
second question was asked about any blood (DNA) located on Defendant's clothing (GJ  
76:15-16.) The Defendant's claim that the jurors were misled or confused by testimony is  
unfounded.

1 Defendant's other claims are also contradicted by testimony. Mr. Echols testimony  
2 that he did not know the purchase date of the life insurance policies is true and accurate. The  
3 State did not correct the testimony because the fact is that Mr. Echols, the witness, did not  
4 personally know the date of purchase. Although the State may have known the date it would  
5 have been misleading and false to have Mr. Echols testify to something he had no personal  
6 knowledge of. The State is not a witness and does not give testimony. Remand is neither  
7 required nor warranted.  
8

9  
10 **II. THE STATE IS NOT OBLIGATED TO PRESENT ALL ARGUABLY**  
11 **EXCULPATORY EVIDENCE TO THE GRAND JURY.**

12 In his motion the Defendant references his *Trebus* letter that was sent to the State.  
13 This letter contained a list of items that Defendant claimed was exculpatory evidence and a  
14 request that the evidence be presented to the Grand Jury. The letter is an attempt by the  
15 Defendant to present evidence to the Grand Jury to cast doubt on the Defendant's guilt or  
16 innocence. The State need not advise the Grand Jury on every conceivable defense. It is only  
17 when the defense rises to "clearly exculpatory" that the Grand Jury must be properly advised.  
18 *State v. Coconino County Superior Court*, 139 Ariz. 422, 678 P.2d 1386 (1984). The Arizona  
19 Supreme Court defined "clearly exculpatory evidence" as "evidence of such weight that it  
20 would deter the Grand Jury from finding the existence of probable cause." *Id.* The rationale  
21 for such a rule is to avoid turning the Grand Jury process into "mini-trials." *State v. Fendler*,  
22 127 Ariz. 467, 480 662 P.2d 23 (App. 1980). The Defendant's requested evidence does not  
23 rise to the level of exculpatory evidence.  
24  
25

26 Defendant is mistaken that the State withheld exculpatory evidence from the Grand

1 Jury by not presenting the information requested by defense counsel in his *Trebus* letter.

2  
3 "Because grand juries use a lower standard of proof (probable  
4 cause) than do petit juries (beyond a reasonable doubt), the  
5 procedural requirements for grand juries should be no greater.  
6 We also believe that Defendants in Grand Jury proceedings due  
to the very nature of the Grand Jury, are not entitled to all  
protections that are afforded Defendant's in jury trials."

7 *O'Meara v. State*, 174 Ariz. 576, 578, 851 P.2d 1375 (1993).

8 The Defendant points to evidence he considers to be exculpatory. An unidentified  
9 single fingerprint found on a stack of papers in a room where the murder was not committed  
10 does not rise to the level of exculpatory evidence. Common sense would tell any ordinary  
11 citizen that any home will have fingerprints.

12  
13 In *United States v. Calandra*, 414 U.S. 338, 349, 94 S.Ct. 613, 620, 38 L.Ed.2d 561  
14 (1974), the Court stated:

15 Because the Grand Jury does not finally adjudicate guilt or  
16 innocence, it has traditionally been allowed to pursue its  
17 investigative and accusatorial functions unimpeded by the  
evidentiary and procedural restrictions applicable to a  
criminal trial.

18 *State v. Baumann*, 125 Ariz. 404, 409, 610 P.2d 38 (1980):

19  
20 The contention that a Grand Jury must consider all exculpatory  
21 determining evidence misreads the Grand Jury's primary function of  
whether probable cause exists to believe that a crime has been  
committed and that the individual being investigated was the one  
22 who committed it. *A.R.S. s 21-413*; *17 A.R.S. Rules of Criminal*  
*Procedure, rule 12.1(d)(4)*. Any more would put grand juries in the  
23 business of holding minitrials. *Marston's, Inc. v. Strand*, 114 Ariz.  
24 260, 560 P.2d 778 (1977); *State v. Horner*, 112 Ariz. 432, 543  
P.2d 118 (1975); *State v. Bell*, 589 P.2d 517 (Hawaii 1978).

25 In Defendant's *Trebus* letter there are misrepresentations of the evidence. A review of  
26 the items Defendant claims are "clearly exculpatory evidence" reveals Defendant has

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1 inaccurately portrayed the testimony or he is attempting to have the State essentially conduct  
2 a cross-examination of the witnesses that is clearly more appropriate in a trial setting. For  
3 example, Defendant claims the State ignored its request to caution officers about speculating  
4 that Defendant was wearing gloves and overalls or that he burned those items to get rid of  
5 them." Defendant claims the prosecutor asked Detective Brown if the lab could "detect if  
6 somebody wore a glove." However, a review of the transcript shows it was actually a grand  
7 juror who asked the question relating to the gloves. (GJ 75:25 -76:1-3).

9 The Defendant requested the State tell the Grand Jury that it did not get dark until  
10 about 9:00 p.m. The only known fact for the night in question is that the sun set at 7:46 p.m.  
11 For the Defendant to ask the State to present this type of evidence would be misleading to the  
12 jury.

13 Similarly, Defendant claims the State failed to advise the Grand Jury that the trail  
14 Defendant claimed to have been biking on was located "at least one and a half miles from the  
15 victims home" and instead presented testimony that mislead the Grand Jury into inferring  
16 Defendant was very near the scene. However, a review of Detective Brown's testimony  
17 reveals he specifically testified that the trail was located "approximately between one and  
18 half miles depending on how you're driving." (GJ 38:19-20).

20 Defendant further claims the Grand Jury should have been told that none of the  
21 materials found on Defendant's computer involving staging murders describe a scenario  
22 similar to the way the victim was killed. A review of the testimony shows the materials were  
23 accurately depicted as information about staging murders as suicides and the specific content  
24 of the materials was also accurately described. The Grand Jury was informed that the victim  
25 in this case died of multiple blows to her head. It is ludicrous to suggest the Grand Jury  
26

1 might infer anyone was trying to stage her murder as a suicide.

2 Defendant's request also stated that if the State presented evidence about the  
3 replacement of Defendant's driver's license and passport and other evidence of  
4 consciousness of guilt, it must also inform the Grand Jury that the items had been seized by  
5 police and needed to be replaced; that Defendant was not under arrest nor told to restrict his  
6 travel during this time and that while he was replacing items, including his shoes and  
7 underwear, he was fearful of wrongful arrest. In fact, the Grand Jury transcript clearly shows  
8 that Detective McDormett testified he did not believe Defendant had ever been told he should  
9 not leave the country and the Prosecutor told the Grand Jury that "items have been seized  
10 from Mr. DeMocker, and he was in some cases attempting to replace items that had been  
11 seized by the police?" (GJ 11:9-12).

12  
13 It is clear from the above examples that Defendant's complaint is not always about  
14 the failure of the State to present what Defendant believes is "clearly exculpatory evidence;"  
15 it is more often that the State did not present the evidence in the ways requested by  
16 Defendant. Once again, a review of the transcript clearly shows the Grand Jury was  
17 presented with an accurate summary of the evidence in this case. The State would ask the  
18 Court to review the transcript. Remand is neither required nor warranted.  
19

20  
21 **III. THE GRAND JURY RETURNED A VALID INDICTMENT AND THE**  
22 **DEFENDANT HAS FAILED TO PROVE OTHERWISE**

23 The Defendant seeks to dismiss the indictment based on one or two pieces of  
24 evidence, primarily the DNA evidence. It is the totality of all the evidence presented to the  
25 Grand Jury that results in a determination of probable cause. A.R.S. §21-413 states:

26 The Grand Jury shall return an indictment charging the person under investigation  
with the commission of a public offense if, from all the evidence taken together, it



1 is convinced that there is probable cause to believe the person under investigation is  
2 guilty of such public offense. (emphasis added).

3 The Defendant is trying to hold the Grand Jury to the same burden of proof that would be  
4 used in a criminal trial. The standard for a Grand Jury indictment, probable cause, has been  
5 met by the State. Remand is neither required nor warranted.

6 **CONCLUSION:**

7 The evidence was presented in a fair and impartial manner to the Grand Jury and,  
8 based on all the facts, the Grand Jury determined there was probable cause to believe  
9 Defendant killed Carol Kennedy. The Grand Jury returned a va  
10 lid Indictment based on all of the evidence presented.

11 The State followed the Court's Order and cleared up any potential misstatements.  
12 Defendant's claim that he was denied substantial procedural rights is clearly without merit;  
13 therefore, his renewed request for a New Finding of Probable Cause should be denied.  
14

15  
16  
17 Respectfully submitted this 16<sup>th</sup> day of April, 2009.  
18

19  
20 SHEILA SULLIVAN POLK  
YAVAPAI COUNTY ATTORNEY

21  
22 By   
23 Mark K. Ainley  
24 Deputy County Attorney

25  
26 Copy of the foregoing delivered/mailed  
this 16<sup>th</sup> day April, 2009 to:

Office of the Yavapai County Attorney

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Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 Honorable Thomas B. Lindberg  
2 Division 6  
3 Yavapai County Courthouse  
4  
5 John Sears  
6 107 North Cortez Street  
7 Prescott, Arizona 86301  
8 and  
9 Larry Hammond  
10 Anne Chapman  
11 2929 North Central Avenue, 21<sup>st</sup> Floor  
12 Phoenix, AZ 85012-2794  
13  
14 Attorneys for Defendant  
15  
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By: 



ARIZONA DEPARTMENT OF PUBLIC SAFETY  
SCIENTIFIC EXAMINATION REPORT

AGENCY Yavapai County Sheriff's Office  
Prescott, AZ 86301  
FILE NO. 08029129  
OFFICER BROWN, #C38  
DATE August 06, 2008  
NAME(S) KNAPP, JAMES RALPH  
DEMAKER, STEVE  
DEMOCKER, STEVEN C.

DR NO. 2008723747  
Page 2 of 2

The DNA profile from item #507-A ("vtech" telephone) is a mixture of two individuals. The major component is consistent with the DNA profile from item #615-A (Virginia Kennedy). Results from the minor component are inconclusive. The DNA profile from item #1002 (James Knapp) is excluded as a contributor to the mixture. Further information may be obtained through Y-STR DNA analysis. To request this analysis please contact the Crime Laboratory at (928) 773-3641.

The DNA profile from item #603 (left fingernails, Kennedy) is a mixture of two individuals. The major component of the mixture matches the DNA profile from item #615-A (Virginia Kennedy) at all 14 loci. The minor component is from an unidentified male source. This profile has been added to the Combined DNA Index System (CODIS). CODIS searches will be routinely performed and any future matches will be reported.

The DNA profile from item #805 (door handle) is a mixture of two individuals. The major component of the mixture matches the DNA profile from item #615-A (Virginia Kennedy) at all 14 loci. Results from the minor component are inconclusive. The DNA profile from item #100-A (Steven Democker) is excluded as a contributor to the mixture. Further information may be obtained through Y-STR DNA analysis.

*Kortney Snider*

KORTNEY SNIDER, #5506  
Criminalist  
Northern Regional Crime Laboratory  
1140 W. Kaibab Lane  
Flagstaff, AZ 86001  
(928) 773-3687

CUSTODY OF EVIDENCE

RECEIVED Laboratory Frozen Storage  
DISPOSITION Laboratory Frozen Storage

*Accredited by the ASCLD Laboratory Accreditation Board*

*Any notes, photographs, charts, or graphs generated during the examination are retained in the laboratory.*

000527



ARIZONA DEPARTMENT OF PUBLIC SAFETY  
SCIENTIFIC EXAMINATION REPORT

AGENCY Yavapai County Sheriff's Office  
Prescott, AZ 86301  
FILE NO. 08029129  
OFFICER BROWN, #C38  
DATE September 11, 2008  
NAME(S) DEMOCKER, STEVEN C.

DR NO. 2008723747

Page 2 of 2

Inconclusive or no results were obtained from item #507-A (cordless telephone).

The male DNA profile from item #603 (fingernail clippings) is a mixture of at least two individuals. The major component of this profile is from an unidentified male source. It is inconclusive as to whether item #100-A (Steven Democker) can or cannot be excluded as a possible contributor to this profile.

A partial male DNA profile was obtained from item #805 (door handle). It is inconclusive as to whether item #100-A (Steven Democker) can or cannot be excluded as a possible contributor to this profile.

*Rebecca J. Love Holt*

REBECCA J. LOVE HOLT, #5398  
Criminalist  
Northern Regional Crime Laboratory  
1140 W. Kaibab Lane  
Flagstaff, AZ 86001  
(928) 773-3687

CUSTODY OF EVIDENCE

RECEIVED Laboratory Frozen Storage  
DISPOSITION Laboratory Frozen Storage

*Accredited by the ASCLD Laboratory Accreditation Board*

*Any notes, photographs, charts, or graphs generated during the examination are retained in the laboratory.*

000333

Forensic Case Report  
December 9, 2008

Amended Report

This report supersedes the report issued October 27, 2008

TO : Yavapai County Sheriff's Office  
Attn: Det. Sgt. Haunte  
255 East Gurley Street  
Prescott, AZ 86301

Sorenson Case #: T151298 Part 2  
Submitting Agency Case #: 08-029129

Offense: Homicide

EVIDENCE RECEIVED:

<u>SORENSEN ITEM #</u>	<u>AGENCY ID</u>	<u>DESCRIPTION</u>
7	1416	Extract
8	1417	Extract

RESULTS, CONCLUSIONS AND OPINIONS:

Item 7 (Extract): A mixture of DNA profiles that genetically types as female was obtained from this item. The major DNA profile obtained from this mixture is attributable to the donor of item 615-A (V. Kennedy; DNA profile supplied by the Yavapai County Sheriff's Office). The frequency of occurrence of this profile among unrelated individuals in the U.S. population is estimated to be:

1 in 990 thousand	Caucasians
1 in 2.34 million	African Americans
1 in 4.01 million	Hispanics

Analysis of the remaining DNA profiles in this mixture was inconclusive.

Item 8 (Extract): A mixture of DNA profiles that genetically types as female was obtained from this item. Analysis for the presence of the donor of item 615-A (V. Kennedy; DNA profile supplied by the Yavapai County Sheriff's Office) was inconclusive. The donor of item 100 (S. Democker; DNA profile supplied by the Yavapai County Sheriff's Office) and item 1002 (J. Knapp; DNA profile supplied by the Yavapai County Sheriff's Office) are excluded as a source of the DNA obtained from this item.

02403

Forensic Case Report  
October 6, 2008

TO : Yavapai County Sheriff's Office  
Attn: Det. Sgt. Huante  
255 East Gurley Street  
Prescott, AZ 86301

Sorenson Case #: T151298  
Submitting Agency Case #: 08-029129

**Offense: Homicide**

EVIDENCE RECEIVED:

SORENSEN ITEM #	AGENCY ID	DESCRIPTION
1	1400	Swab with stain
2	1401	Swab with stain
3	1402	Swab with stain
4	1403	Extract
5	1406	Extract
6	1415	Extract

RESULTS, CONCLUSIONS AND OPINIONS:

Item 1 (Swab with stain): A mixture of DNA profiles, at least one of which genetically types as male, was obtained from this item. No further analysis of this mixture was conducted.

Item 2 (Swab with stain): A mixture of DNA profiles, at least one of which genetically types as male, was obtained from this item. No further analysis of this mixture was performed.

Item 3 (Swab with stain): A mixture of DNA profiles that genetically types as female was obtained from this item. The major DNA profile obtained from this mixture is attributable to unknown female individual #1. Analysis of the minor profile from this mixture was inconclusive.

Item 4 (Extract): DNA of insufficient quality/quantity for STR analysis was obtained from this item. No further testing was performed

Item 5-1 (Extract): A mixture of DNA profiles was obtained from this item. No further analysis of this mixture was conducted.

Sorenson Case #: T151298  
Submitting Agency Case #: 08-029129

Date: October 6, 2008

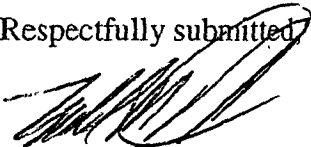
RESULTS, CONCLUSIONS AND OPINIONS:

Item 6 (Extract): A mixture of DNA profiles, at least one of which genetically types as male, was obtained from this item. The major DNA profile obtained from this mixture is attributable to unknown male individual #1. Analysis of the minor profile in this mixture was inconclusive.

NOTES:

1. Per client request all cuttings and extracts, excluding item 4 extract, were consumed during the course of testing.
2. A portion of the DNA extracted from the items listed above was amplified using the Polymerase Chain Reaction (PCR) and typed at the loci D21S11, D7S820, CSF1PO, D13S317, D16S539, D2S1338, D18S51, Amelogenin, and FGA using the MiniFiler<sup>®</sup> PCR Amplification and Typing Kit.

Respectfully submitted,



Todd M. Rigley  
Associate Laboratory Director

Forensic Case Report  
December 8, 2008

Amended Report  
This report supersedes the report issued on October 6, 2008

TO : Yavapai County Sheriff's Office  
Attn: Det. Sgt. Huante  
255 East Gurley Street  
Prescott, AZ 86301

Sorenson Case #: T151298  
Submitting Agency Case #: 08-029129

Offense: Homicide

EVIDENCE RECEIVED:

SORENSEN ITEM #	AGENCY ID	DESCRIPTION
1	1400	Swab with stain
2	1401	Swab with stain
3	1402	Swab with stain
4	1403	Extract
5	1406	Extract
6	1415	Extract

RESULTS, CONCLUSIONS AND OPINIONS:

Item 1 (Swab with stain): A mixture of DNA profiles, at least one of which genetically types as male, was obtained from this item. Further analysis of this mixture was inconclusive.

Item 2 (Swab with stain): A mixture of DNA profiles, at least one of which genetically types as male, was obtained from this item. Further analysis of this mixture was inconclusive.

Item 3 (Swab with stain): A mixture of DNA profiles that genetically types as female was obtained from this item. The major DNA profile obtained from this mixture is attributable to the donor of item 615-A (V. Kennedy, victim; supplied by Yavapai County Sheriff's office). The frequency of occurrence of this profile among unrelated individuals in the U.S. population is estimated to be:

1 in 56.3 billion	Caucasians
1 in 54.5 billion	African Americans
1 in 308 billion	Hispanics

02397



Sorenson Case #: T151298  
Submitting Agency Case #: 08-029129

Date: December 8, 2008

RESULTS, CONCLUSIONS AND OPINIONS CONTINUED:

Analysis of the minor profile from this mixture was inconclusive

Item 4 (Extract): DNA of insufficient quality/quantity for STR analysis was obtained from this item. No further testing was performed

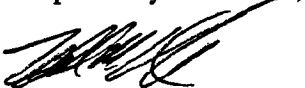
Item 5-1 (Extract): A mixture of DNA profiles was obtained from this item. No further analysis of this mixture was conducted.

Item 6 (Extract): A mixture of DNA profiles, at least one of which genetically types as male, was obtained from this item. The major DNA profile obtained from this mixture is attributable to unknown male individual #1. Analysis of the minor profile in this mixture was inconclusive.

NOTES:

1. Per client request all cuttings and extracts, excluding item 4 extract, were consumed during the course of testing.
2. A portion of the DNA extracted from the items listed above was amplified using the Polymerase Chain Reaction (PCR) and typed at the loci D21S11, D7S820, CSF1PO, D13S317, D16S539, D2S1338, D18S51, Amelogenin, and FGA using the MiniFiler® PCR Amplification and Typing Kit.

Respectfully submitted,



Todd M. Rigley  
Associate Laboratory Director

02398